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17 UBER TECHNOLOGIES, INC.
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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

22 Plaintiff,

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL THEIR SUR-
REPLY TO WAYMO'S MOTION TO
COMPEL UBER SOURCE CODE**

23 v.

24 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

25 Defendants.

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Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal portions of their Sur-Reply to Waymo’s Motion To Compel Uber Source Code. Specifically, Defendants request an order granting leave to file under seal the confidential portions of the following documents:

Document	Portions to Be Filed Under Seal	Designating Party
Sur-Reply to Waymo’s Motion to Compel (“Opposition”)	Highlighted Portions	Plaintiff (Green)
Declaration of Don Burnette	Highlighted Portions	Defendants (Blue) Plaintiff (Green)
Exhibits A-B to the Declaration of Don Burnette	Entire Documents	Defendants Plaintiff
Exhibit 1 to the Declaration of Esther Chang	Highlighted Portions	Defendants (Blue) Plaintiff (Green)
Exhibit 2 to the Declaration of Esther Chang	Entire Document	Defendants (Blue) Plaintiff (entire document)

The blue-highlighted portions of the Declaration of Don Burnette and Exhibits 1 and 2 to the Declaration of Esther Chang contain highly confidential information regarding Ottomotto source code. Certain blue-highlighted portions of the Declaration of Don Burnette as well as the entireties of Exhibits A and B to the Declaration of Don Burnette contain highly confidential information about technical information considered by an Ottomotto software engineer. Disclosure of this information could allow competitors to obtain a competitive advantage over Defendants by understanding this technical information. (Declaration of Michelle Yang in Support of Defendants’ Administrative Motion to File Documents Under Seal (“Yang Decl.”) ¶ 3.)

The green-highlighted portions of the Sur-Reply, the Declaration of Don Burnette, and Exhibit 1 to the Declaration of Esther Chang, as well as the entireties of Exhibits A and B to the

1 Declaration of Don Burnette, and the entirety of Exhibit 2 to the Declaration of Esther Chang,
2 contain information that has been designated “Highly Confidential – Attorneys’ Eyes Only” or
3 “Confidential” by Waymo in accordance with the Patent Local Rule 2-2 Interim Model Protective
4 Order (“Protective Order”), which the parties have agreed governs this case (Transcript of
5 3/16/2017 Hearing, page 6). Defendants file this material under seal in accordance with
6 Paragraph 14.4 of the Protective Order. (Yang Decl. ¶ 4.)

7 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
8 documents at issue, with accompanying chamber copies.

9 Defendants served Waymo with this Administrative Motion to File Documents Under
10 Seal on October 15, 2017.

11 For the foregoing reasons, Defendants request that the Court enter the accompanying
12 Proposed Order granting Defendants’ Administrative Motion to File Documents Under Seal and
13 designate the service copies of these documents as “HIGHLY CONFIDENTIAL –
14 ATTORNEYS’ EYES ONLY.”

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16 Dated: October 15, 2017

MORRISON & FOERSTER LLP

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18 By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

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20 Attorneys for Defendants
UBER TECHNOLOGIES, INC. and
OTTOMOTTO LLC